I.   STATUS OF THE CLAIMS

Claims 9, 12, 50, 52, 60 and 62 have been cancelled without prejudice or disclaimer, and claims 11, 13, 14, 16, 17, 29-35, 39, 40, 49, 51, 53, 54, 56 and 57 have been amended. In accordance with the foregoing, claims 11, 13-17, 29-40, 49, 51, 53-59, 61 and 63 are pending. No new matter is presented, entry and reconsideration are respectfully requested.

II.   THE REJECTION OF CLAIM 9 UNDER 35 U.S.C. §102(b) AS BEING ANTICIPATED OVER IMAINO

Claim 9 has been cancelled without prejudice or disclaimer, thus rendering this rejection moot.

III. THE REJECTION OF CLAIM 9 UNDER 35 U.S.C. §103(a) AS BEING UNPATENTABLE OVER IMAINO IN VIEW OF EASTMAN

Claim 9 has been cancelled without prejudice or disclaimer, thus rendering this rejection moot.

IV.   THE REJECTION OF CLAIMS 11-17, 29-40 AND 49-63 UNDER 35 U.S.C. §103(a) AS BEING UNPATENTABLE OVER IMAINO IN VIEW OF KIRINO

Applicants respectfully traverse this rejection for at least the following reason.

Claim 11, as amended, recites a method of compensating for a tilt and a defocus of an optical recording medium, the method comprising, amongst other operations, "detecting the defocus of the optical recording medium" and "compensating a write power level" and "**detecting the tilt** of the optical recording medium **and compensating** the **write power level and a write time** with respect to the detected tilt so as to shift the recording pattern with respect to the detected tilt."

Claim 51, as amended, recites "**detecting a defocus** of an optical recording medium; adaptively **compensating a write power level** with respect to the detected defocus **using write**

9

power level information stored in a memory, wherein the write power level comprises a predetermined recording pattern; **detecting a tilt** of the optical recording medium, and` adaptively **compensating the write power level and a write time** with respect to the detected tilt so as to shift the recording pattern with respect to the detected tilt."

Imaino discloses an optical drive that adjusts the laser power and/or the amplification of the optical detectors in order to compensate for the different effective reflectivities of each layer (column 10, lines 16-26). Imaino further discloses that a reflected beam is divided into two beams, where one of the beams is used to provide focus and tracking servo information (column 14, lines 22-25), and a controller that uses the focus error signal to control a motor to **move a lens** until the zero focus error signal is achieved (column 14, lines 35-37). Accordingly, Imaino teaches moving a lens to correct for a focus error signal.

Kirino discloses using a laser beam power for increasing or decreasing the pulse width uniformly instead of correcting it optionally and synchronizing the pulse width with the clock, thus the recording mark width and length can be controlled with high precision and simply (column 13, lines 39-44). Accordingly, Kirino teaches increasing or decreasing the **pulse width**, and synchronizing the pulse width with the clock.

Accordingly, neither Imaino nor Kirino whether taken singly or combined teach or suggest "detecting the tilt of the optical recording medium and compensating the write power level and a write time" as recited in newly amended claim 11. Additionally, neither Imaino nor Kirino whether taken singly or combined teach or suggest "detecting a defocus" and "compensating a write power level, ...using power level information stored in a memory" as recited in newly amended claim 51. Accordingly, Applicants respectfully assert that the rejection of independent claims 11 and 51 under 35 U.S.C. §103(a) should be withdrawn.

Furthermore, Applicants respectfully assert that claims 13-16, 58, and 53-56 are allowable at least because of their dependence from claims 11 and 51, respectively, and the reasons set forth above.

Additionally, claims 12, 50 and 60 have been cancelled without prejudice or disclaimers, thus rendering these rejections moot.

Independent claim 17, as amended, recites, a method for compensating input data for tilt and/or defocus, comprising amongst other operations "a **write power level** to **compensate** with respect to the detected **defocus, and the write power level and a write time** required for

recording **to compensate** for an amount of **shift of** the **recording pattern, and** to compensate for a **length and a width of** a recording **mark** with respect to the detected tilt and/or a length of the recording mark."

Independent claim 39 recites, as amended, "a **write power level** to **compensate** with respect to the detected **defocus, a write power level and a write time** required for recording in order to **compensate** an amount of **shift of** the recording **pattern, and** to compensate a **length and a width** of a recording mark with respect to the detected tilt and/or length of the recording mark."

As noted above, <u>Imaino</u> discloses a controller that will use the focus error signal to control a motor to **move** a **lens** until the zero focus error signal is achieved (column 14, lines 35-37). Accordingly, <u>Imaino</u> teaches moving a lens to correct a focus error signal.

As also noted above, <u>Kirino</u> teaches increasing or decreasing the **pulse width,** and synchronizing the pulse width with the clock. Accordingly, <u>Kirino</u> teaches adjusting the pulse width with the clock.

As noted above, independent claim 17 recites a " write power level and a write time required for recording to compensate for an amount of shift."

Meanwhile, independent claim 39 recites a "write power level and a write time,...to compensate...shift of the recording pattern, and to compensate a length and a width of a recording mark."

Therefore, neither <u>Imaino</u> nor <u>Kirino</u> whether taken singly or combined teach or suggest such novel features recited in newly amended claims 17 and 39. Accordingly, Applicants respectfully assert that the rejection of independent claim 17 and 39 under 35 U.S.C. §103(a) should be withdrawn.

Furthermore, Applicants respectfully assert that claim 59 and 40 are allowable at least because of their dependence from claim 17 and 39, respectively and the reasons set forth above.

Independent claim 29, as amended, recites "a recording compensator which **compensates a write power level and/or a write time** of a recording pulse **with respect to** the **detected tilt and defocus** using a predetermined scheme to adjust a length and a width of a recording mark according to the detected tilt and/or defocus, wherein the recording pulse

11

comprises a predetermined recording pattern."

Independent claim 49, as amended, recites " adaptively compensating a length and a width of a recording signal with respect to the detected defocus and tilt by **adjusting a write power level and a write time** required for recording with respect to the detected tilt to compensate for a size of a recording mark corresponding to the recording signal."

Independent claim 57, as amended, recites **detecting a defocus** of an optical recording medium; **compensating a write power level** with respect to the detected defocus; **detecting a tilt** of the optical recording medium; and **compensating the write power level and a write time** with respect to the detected tilt so as to adjust a length and a width of a recording mark in accordance with the detected tilt."

As noted above, Imaino discloses a controller that will use the focus error signal to control a motor to **move a lens** until the zero focus error signal is achieved (column 14, lines 35-37). Accordingly, Imaino teaches moving a lens to correct for a focus error signal.

As also noted above, Kirino teaches increasing or decreasing the **pulse width**, and synchronizing the pulse width with the clock.

Therefore, neither Imaino nor Kirino whether taken singly or combined teach or suggest such novel features recited in newly amended claims 29, 49 and 57. Accordingly, Applicants respectfully assert that the rejection of independent claims 29, 49 and 57 under 35 U.S.C. §103(a) should be withdrawn.

Furthermore, Applicants respectfully assert that claims 30-38, 61 and 53-56 are allowable at least because of their dependence from claims 29, 49 and 57, respectively and the reasons set forth above.

VI. CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 03/08/04

By: _____
Douglas X. Rodriguez
Registration No. 47,269

1201 New York Ave, N.W., Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501